

Exhibit 40



Permanent Observer Mission of The State of Palestine to the United Nations New York

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14 February 2020 – Israeli Provocations and the U.S. Plan

 14 FEBRUARY 2020 BY PALESTINE AT THE UN

Excellency,

I write to draw your attention to recent critical developments and rising tensions, including in particular as a result of the relentless crimes, provocation, incitement and inflammatory rhetoric of Israel, the occupying Power, against the Palestinian people, their rights and their leadership.

On 28 January 2020, US President Donald Trump proposed a plan for the Israeli-Palestinian conflict, the provisions of which breach international law and the internationally-endorsed terms of reference and parameters for the achievement of a just, comprehensive and lasting solution, as enshrined in the relevant United Nations resolutions, and undermines the inalienable rights and national aspirations of the Palestinian people, including to self-determination and independence.

The plan attempts to legitimize Israel's illegal occupation, colonization and annexation of Palestinian land, deeming crimes such as the settlements, the wall and forced displacement of thousands of Palestinians as mere 'realities' that must be accepted; endorses Israel's illegal annexation of Occupied East Jerusalem; and validates further annexation schemes, effectively dismantling the two-State solution and turning the rules-based order on its head.

Insisting on an adherence to international law and the principles of equity and justice and respect for the inalienable rights of the Palestinian people, the State of Palestine, the League of Arab States, the Organization of Islamic Cooperation, the African Union and many other countries and organizations around the world have rejected this plan, stressing that it is unacceptable as a basis for peace and would only prolong the conflict and the injustice.

This message was firmly conveyed by President Mahmoud Abbas, President of the State of Palestine, in his address to the Security Council, on 11 February 2020, and was echoed by the overwhelming majority of Council members that reaffirmed the global consensus consistent with the longstanding, internationally-endorsed terms of reference and parameters for a just solution in accordance with international law, the relevant UN resolutions, the Madrid principles and the Arab Peace Initiative.

It is obvious that the unveiling of this unjust, provocative plan has emboldened the extremist right-wing Israeli government to intensify its illegal policies and measures, including threats and plans to annex large parts of the West Bank, including all Israeli settlements and the Jordan Valley, in grave breach of international law and with zero regard for consequences. Incitement and

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It is obvious that the unveiling of this unjust, provocative plan has emboldened the extremist right-wing Israeli government to intensify its illegal policies and measures, including threats and plans to annex large parts of the West Bank, including all Israeli settlements and the Jordan Valley, in grave breach of international law and with zero regard for consequences. Incitement and inflammatory statements every single day by Israeli officials illustrate that the occupying Power has abandoned all restraint and aims to only fuel an already burning fire through illegal actions and decisions over the coming weeks.

Among such provocative statements, all made in the aftermath of the presentation of the US plan, are the following:

Deputy Minister Avi Dichter (28 January 2020): *"Now we have the duty to immediately apply the Israeli sovereignty on all the Israeli settlements in Judea and Samaria. The Jordan Valley will be our eastern border. The basic law which states that the entire united Jerusalem is the capital of Israel, was recognized today also by the United States of America. We must not wait for the moves of the Palestinian Authority."*

Minister Zeev Elkin (28 January 2020): *"For sure it is a historic day and an undeniably historic period. Applying Israeli sovereignty immediately to at least 30% of Judea and Samaria (including the Jordan Valley and all areas of jurisdictions of Israeli communities) yes and yes! Establishing a Palestinian state in the heart of the country that will be a terror state and lead anti-Israeli incitement, emphatic no and no!"*

Minister Naftali Bennett (29 January 2020): *"Now the battle moves from the White House in Washington to the cabinet room in Jerusalem. We should not postpone this until after the elections, and should not agree to partial sovereignty—we should take everything now. In the coming days the order to apply sovereignty over the entire settlement areas should be brought to the cabinet table."*

Member of the Knesset Ayalet Shaked (29 January 2020): *"...it is forbidden to accept the existence or the creation of a Palestinian state. Our starting point is that the creation of an Arab State in Judea and Samaria is dangerous and irresponsible."*

Knesset Speaker Yuli Edelstein (30 January 2020): *"I say to the prime minister: if you return from Washington and ask to convene the Knesset plenum to capitalize on the historic willingness of the US administration to apply Israeli sovereignty over Judea and Samaria—I will convene the plenum at once! No matter the criticism, no matter how many harsh attacks, the right thing will be done."*

Prime Minister Benjamin Netanyahu (14 February 2020): *"Irrespective of Palestinian acceptance or rejection, we are getting American recognition over parts of our homeland, while the Palestinians must make considerable concessions just to enter talks!"*

Such reckless declarations by Israeli officials and pursuit of such schemes underscore yet again the true nature of Israel's colonialism, expansionism and lawlessness, the fuel of this more than half-century illegal foreign occupation. Israel's lip service to peace has always been only a tactic, never a long-term objective. Such statements prove again that Israel's professed commitment to the two-State solution is only a facade. The occupying Power has systematically enlarged and entrenched its extremist settler population in order to impose its vision of 'Greater Israel' on all of historic Palestine, working diligently to further its annexation of large areas of land in the West Bank, including East Jerusalem, in flagrant disrespect of the United Nations Charter, UN resolutions and all relevant provisions of international law.

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Moreover, Israeli officials are aggressively transforming their provocative words into criminal action plans for formal annexation, with the Prime Minister brazenly announcing that Israel is *"already in the process of mapping the territory that according to the Trump plan will be part of the State of Israel... This won't take a lot of time and we'll complete this."*

Such policies, combined with decades of "de facto" annexation of Palestinian land by the occupying Power, decades of failure by the international community to hold Israel accountable in that regard, and the current license for illegality presented by the Trump plan, are destroying the two-State solution and the essence of previously signed agreements. They have paved the pathway to an apartheid situation that no people would tolerate.

The international community must not remain silent in the face of such blatant crimes, and the urgency of action cannot be overstated. On 11 February, Middle East peace envoy Nickolay Mladenov warned the UN Security Council that unilateral steps and plans for annexation *"would have a devastating impact on the prospect for a two-state solution. They would close the door to negotiations, have negative repercussions across the region, and severely undermine opportunities for normalization and regional peace... In the absence of a credible path back to negotiations,"* he added, *"we all face a heightened risk of violence."*

In this regard, we are also compelled to draw your attention to the dangerous escalation of Israeli violence against the Palestinian people following the announcement of the Trump plan. Since late January, killings, injuries, imprisonment of Palestinian civilians and attacks against the blockaded Gaza Strip have intensified and continue unabated. In the recent period, Israel's use of willful and lethal force against Palestinian civilians has resulted in the tragic killing of five Palestinians, among them Badr Nafla, age 19, Yazan Abu Tabekh, age 19, Tareq Badwan, age 24, Mohammed al-Haddad, age 17, and Shadi el-Banna, age 45. It is clear that, to Israel, Palestinian lives, their aspirations, their human dignity, do not matter.

We call on the international community to put an end to this travesty of justice. Here we recall the appeal by President Mahmoud Abbas, President of the State of Palestine, during his address to the Security Council on 11 February, *"I tell the world: be careful not to kill the hope of the Palestinian people. I came here to preserve hope, don't take that hope away from us."*

We are grateful to all States, including the members of the Security Council, and the international organizations that have, at this critical moment, reaffirmed their principled positions on the need for serious and immediate efforts to uphold the UN Charter, international law, and the relevant resolutions as the most viable and direct path to achieve a just, lasting, comprehensive and peaceful solution to the Israeli-Palestinian conflict and to the Palestine question as a whole.

Statements alone, however, will not bring an end to the endless humiliations and aggression that the Palestinian people continue to endure, nor will they prevent Israel from further advancing and actualizing its settler colonial ambitions. Beyond statements, the international community has a duty to act, including the Security Council and the General Assembly, in accordance with their resolutions and the permanent responsibility of the United Nations until a just solution is achieved. Accountability is imperative.

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All colonization and annexation must be stopped and reversed. States must not recognize as legitimate changes resulting from illegal Israeli policies and measures and acts of aggression in Occupied Palestine. An end must be brought to this illegal Israeli occupation of the West Bank, including East Jerusalem, and the Gaza Strip – the territory comprising the State of Palestine on the pre-1967 borders – and the Palestinian people must exercise their long-overdue right to self-determination, independence and sovereignty and must realize justice.

For the sake of the Palestinian people, the Israeli people, the prospects for their peace and coexistence and for Middle East and global peace and security, as well as for the sake of preserving the credibility and authority of the United Nations and the rules-based order against the threats they face, the international community must salvage the foundations of peace. This is a collective responsibility.

This letter is in follow-up to our 679 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 10 January 2020 (A/ES-10/xxx-S/2019/xxx) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights

violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Please accept, Excellency, the assurances of my highest consideration.

Dr. Riyad Mansour

Minister, Permanent Observer

of the State of Palestine to the United Nations



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